

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

D'NE ROSE BRODIGAN,

Defendant.

4:17-CR-3032

ORDER

This matter is before the Court on the defendant's Motion to File under Seal ([filing 58](#)). That motion will be granted in part and denied in part.

If a document is to be filed on the Court's docket, it may, pursuant to this Court's local rules, be filed either as "restricted" or "sealed." A sealed document is available only to court users and the filing party; it is not available to the opposing party or the public. See [NEGenR 1.3\(a\)\(1\)\(B\)\(i\)](#); [NECrimR 12.5\(b\) and \(c\)](#). A restricted document, on the other hand, is available to court users and parties of record. See [NEGenR 1.3\(a\)\(1\)\(B\)\(ii\)](#); [NECrimR 49.1.1\(c\)\(3\)](#). The defendant's motion refers to a document containing personal information that should be restricted pursuant to [Fed. R. Crim. P. 49.1\(a\) and \(d\)](#) and [NECrimR 49.1.1\(a\) and \(b\)](#). Such a document should not be sealed; rather, it should be filed under provisional *restriction*, along with a motion for leave to restrict, as set forth in [NECrimR 49.1.1\(c\)\(1\)](#).

In addition, the certificate of service for the sealed sentencing memorandum ([filing 62](#)) represents that it was electronically filed using CM/ECF, "which sent notification of said filing to all attorneys of record in the above-captioned matter. . . ." But when a sealed document is filed, the system does *not* provide notice of electronic filing to all parties in the case.

[NECrimR 12.5\(b\)](#). The filing party must use alternate forms of service to provide all parties entitled to notice with copies of the sealed document. *Id.*

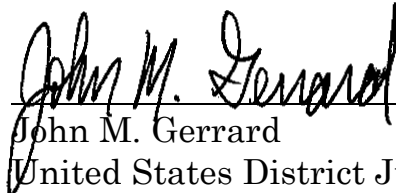
The defendant's sentencing memorandum should be restricted, rather than sealed. The Court will, therefore, grant the defendant's motion in part, and order the Clerk of the Court to restrict access to the defendant's sentencing memorandum and provide electronic notice of the filing to the government.

IT IS ORDERED:

1. The defendant's Motion to File under Seal ([filing 58](#)) is granted in part and denied in part.
2. The Clerk of the Court is directed to modify the docket entry for [filing 62](#) to restrict access to [filing 62](#) to court users and case participants.
3. The Clerk of the Court shall regenerate the notice of electronic filing for [filing 62](#) in order to ensure that notice of the filing has been provided to the government.

Dated this 8th day of December, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge